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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,073	08/22/2001	Yile Guo	005288.00015	7354
22907	7590	02/11/2005	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			STEVENS, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,073

Applicant(s)

GUO ET AL.

Examiner

Roberta A Stevens

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 11 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Jabbari (U.S. 2002/0105922 A1).

3. Regarding claim 1, Jabbari teaches (fig. 1) a method of transporting information in radio protocol frames in an MPLS based transport network (130), comprising: setting up at least label switching path in the network (page 3, paragraphs 37-39); encapsulating radio protocol frames in MPLS packets (this step is inherent in Jabbari's system in order for radio packets to be transmitted through a Label Switching Network it has to be encapsulated with the MPLS protocol); forwarding the packet through the network using label switching.

4. Regarding claims 2, 5, 9 and 21, Jabbari teaches (fig. 1) using constraint based routing to set up the at least one label switching path.

5. Regarding claim 3, Jabbari teaches (page 3, paragraphs 37-39) marking a header of each MPLS packet for label switching before forwarding the MPLS packet.

6. Regarding claim 4, Jabbari teaches (fig. 5) a method of providing differentiated QoS in an MPLS based transport, comprising: establishing a single first label switching path having at least one label switching router, being a connection between a base station and a radio network controller, the base station having a plurality of traffic classes; establishing a single second label switching path having at least one further label switching router; marking a field of an MPLS header at a label switch router at an ingress to a respective label switching path of the first and second label switching paths to identify respective traffic classes of traffic being carried by a respective one of the base station and the radio network controller; and forwarding the traffic within the respective label switching path based on the marked path (page 4, paragraphs 45-47).

7. Regarding claims 6, 10, 14 and 17, Jabbari teaches (page 3, paragraphs 37-39) the MPLS header is associated with a packet carrying radio protocol frames, and wherein the packets are forwarded along a respective label switching path.

8. Regarding claims 7, 12, 15 and 19, Jabbari teaches (page 3, paragraphs 37-39) encapsulating a payload in MPLS packets that form the traffic (this step is inherent in Jabbari's system in order for radio packets to be transmitted through a Label Switching Network it has to be encapsulated with the MPLS protocol).

9. Regarding claims 8 and 22, Jabbari teaches (fig. 5) a method of providing differentiated QoS in an MPLS based transport, comprising: establishing first multiple

Art Unit: 2665

label switching path having at least one label switching router, being a connection between a base station and a radio network controller, the base station having a plurality of traffic classes; establishing second multiple label switching path having at least one further label switching router; marking a field of an MPLS header at a label switch router at an ingress to a respective label switching path of the first and second multiple label switching paths such that each respective label switching path traffic carries a different respective traffic class; and forwarding the traffic within the respective label switching path based on the marked path(page 4, paragraphs 45-47).

10. Regarding clam 13, Jabbari teaches (fig. 5) a system for providing differentiated QoS in an MPLS based transport network, comprising: a computer including a storage for storing data and instructions and a processor for executing instructions stored in the storage, containing instruction corresponding to: a set up component that establishes a single first label switching path having at least one label switching router, being a connection between a base station and a radio network controller, the base station having a plurality of traffic classes; establishing a single second label switching path having at least one further label switching router; a marking component that marks a field of an MPLS header at a label switch router at an ingress to a respective label switching path of the first and second label switching paths to identify respective traffic classes of traffic being carried by a respective one of the base station and the radio network controller; and a packet forwarding component that forwards the traffic within the respective label switching path based on the marked path(page 4, paragraphs 45-47).

Art Unit: 2665

11. Regarding claim 16, Jabbari teaches (fig. 5) Regarding claim 13, Jabbari (fig. 5) a system for providing differentiated QoS in an MPLS based transport network, comprising: a computer including a storage for storing data and instructions and a processor for executing instructions stored in the storage, containing instruction corresponding to: a set up component that establishes first multiple label switching path having at least one label switching router, being a connection between a base station and a radio network controller, the base station having a plurality of traffic classes; establishing a single second label switching path having at least one further label switching router; a marking component that marks a field of an MPLS header at a label switch router at an ingress to a respective label switching path of the first and second label switching paths to identify respective traffic classes of traffic being carried by a respective one of the base station and the radio network controller; and a packet forwarding component that forwards the traffic within the respective label switching path based on the marked path(page 4, paragraphs 45-47).

12. Regarding claim 20, Jabbari teaches (fig. 1) a method of transporting information in radio protocol frames in an MPLS based transport network (130), comprising: setting up at least label switching path having at least one label switching router, being connected between a base station and a radio network controller, having a plurality of traffic classes (page 3, paragraphs 37-39); encapsulating radio protocol frames in MPLS packets (this step is inherent in Jabbari's system in order for radio packets to be transmitted through a Label Switching Network it has to be encapsulated with the MPLS

Art Unit: 2665

protocol); forwarding the packet over at least one label switching path to carry the multiple classes of traffic.

***Allowable Subject Matter***

13. Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2665


*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens  
Examiner  
Art Unit 2665

  
STEVEN NGUYEN  
PRIMARY EXAMINER